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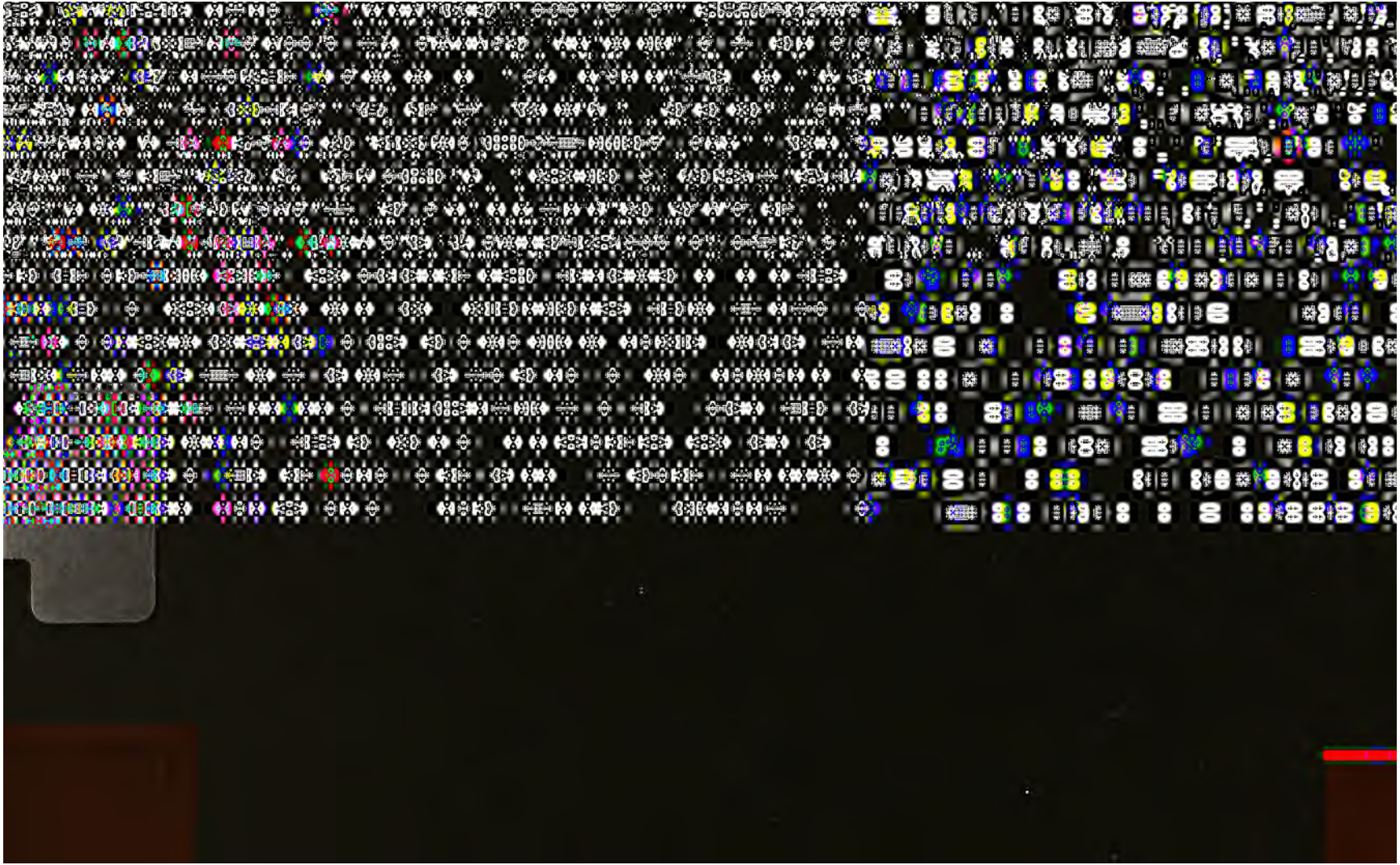

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TRANSLATION.

REGULATIONS

FOR THE

EXECUTION OF THE POLICE LAW OF RAILROADS

OF THE

ISLAND OF CUBA.

WAR DEPARTMENT,
DIVISION OF CUSTOMS AND INSULAR AFFAIRS.
September, 1899.

WASHINGTON:
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1899.

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REGULATIONS FOR THE EXECUTION OF THE POLICE LAW OF RAILROADS OF THE ISLAND OF CUBA.

CHAPTER I.

ARTICLE 1. The inspection and supervision of railroads, not only in their technical part but also in their business part, the direct intervention in the different branches of their operation, their police, and good administration, and everything that relates to the safety of persons and the development of material interests, appertains to the colonial department.

ART. 2. The purely technical or professional part shall be intrusted in each line to one or more engineers of the corps of roads, canals, and ports; the administrative and business part to the officers designated by the colonial department. Two inspections shall be created of both branches, which shall be independent of each other and both devoted to the best public service, with different obligations and duties. They may also be consolidated.

ART. 3. The organization, powers, and duties of the technical and administrative inspections shall conform to the provisions of the special regulations which may have been issued for the service of the same, or which may in the future be issued by the colonial department.

CHAPTER II.

THE ROAD AND ITS PRESERVATION.

ART. 4. The erection of dams, wells, and troughs at a distance of less than 20 meters on each side of the railroad is prohibited. This distance of 20 meters shall be measured from the lower lines of the walls of the embankments, from the upper line of the clearing, and from the outer edge of the trenches when the railroad is on a level. In the absence of these lines the distance of 20 meters shall be counted from a line parallel to the outer rail at a meter and a half from the same.

ART. 5. The farmers of the land adjoining the road shall incur the penalty provided for in article 24 of the law whenever, by reason of their plantings, works of cultivation, or in any other manner whatsoever they injure the inclosures or the supporting walls, the braces of the culverts, the abutments of the bridges, and other works of railroads.

ART. 6. Article 24 of the law shall be applied not only to the farmers who, in the work of cultivation and improvement of the fields adjoining the railroad, should throw in the trenches earth, manure, leaves, or any other material which might prevent the free course of water, but also to shepherds and ranchmen who, in the care, grazing, or driving of their cattle, cause the same damage.

ART. 7. The owners or lessors of lands adjoining railroads shall not—

1. Obstruct the free course of water proceeding from the railroad, by constructing ditches, roads, or bypaths, or by raising their embankments.

2. Cut trees within a zone of 20 meters on either side of the railroad without previous permission from the local authority and examination by the technical inspection.

3. Pull out roots or remove earth from the slopes or lands adjoining the roads, which may cause a caving in of the land, and directly or indirectly obstruct or embarrass traffic.

The works necessary for the repair of this damage shall be constructed at the expense of the offender without prejudice to the penalties which he may have incurred according to the foregoing articles.

ART. 8. The owners or drivers of vehicles, horses, or cattle, may not, even for the purpose of entering adjoining lands, or to leave them, cross railroads, except at the points fixed for that purpose. This prohibition also includes owners or drivers of carriages and shepherds or cattlemen who leave their horses or cattle free and graze them on the lands adjoining the railroads.

ART. 9. No sheds, covers, or movable stands shall be allowed in the zone of the railroads, even for the sale of food, if their owners have not previously obtained the proper permission from the competent authority.

ART. 10. Whosoever willfully or by omission or negligence shall damage or destroy, with his cattle or vehicles, the works or dependencies of railroads, such as parapets, copings or walls, kilometric posts, telegraph posts, wires and insulators, signal posts, signs, time-tables for the public, and the pipes and water deposit, shall incur the penalty mentioned in article 21 of the law.

Said article is also applicable to those who without proper authority shall cut or destroy trees planted in the zone fixed in article 4 on either side of the railroad.

ART. 11. Nobody shall construct dams or works, open canals for taking or leading waters, erect buildings, walls, culverts, or other works within the zone of 20 meters, measured in the manner stated in article 4, without previous authorization.

This zone of 20 meters shall be measured at stations from the inclosure or boundary which limits the land belonging to the station.

ART. 12. Petitions to construct or rebuild in railroad zones shall be

addressed to the mayors of the respective towns, stating therein the site, purpose, and details of the proposed work.

The mayor shall forward them immediately, with his report and the remarks he may consider proper, to the technical inspection, which, after an examination and hearing of the company, shall determine the distance between the road and the work, fixing the alignment and the precautions and technical conditions to be observed, which must be complied with in the construction.

It is obligatory for the persons interested to submit the plans of the work to the technical inspection, whenever it shall deem it convenient to examine the same.

ART. 13. If the technical inspection and the mayor agree as to the proposed constructions in the zones of the road, the latter shall immediately grant the permission requested.

Should they disagree, and the interested party object to the conditions proposed by the inspection, the proceedings shall be submitted to the governor of the province, who, after hearing the permanent committee of the provincial deputation, shall decide what he may consider proper.

In case any of the parties should be dissatisfied with his decision the colonial department shall decide finally, through the administrative channel, without further remedy.

ART. 14. After a report or communication from the technical inspection the mayor shall order the works which may have been constructed in the zone of the railroad without proper permission to be demolished as well as those constructed after the granting of the latter which do not fulfill the required conditions.

ART. 15. If the houses or other buildings erected in any part within the zone of easement of the railroad, measured in the manner prescribed by articles 4 to 11, and especially if the walls at the sides of the roads threaten to fall, the company shall at once inform the technical inspection, so that it may immediately proceed to the examination.

If the latter should show their bad condition or insecurity, the technical inspection shall inform the mayor, stating whether the ruin is or is not imminent, and whether the building is among those the wall of which must be moved back.

ART. 16. The prohibition imposed by article 3 of the law to erect within 3 meters distance from the railroad any other construction but a wall or fence includes a prohibition to open in the same doors, windows, or any other openings which may face the road.

ART. 17. The plans of works which cross the roads or impose an easement thereon, more or less directly, shall be submitted to the approval of the secretary of public works, who shall decide, after hearing the company, the engineer in chief of the technical inspection, and the governor of the province.

ART. 18. By all possible means the company shall insure—

1. The maintenance in good condition of the railroad and of all its appurtenances.

2. The care and service of the gates at grade crossings.

3. The supervision and proper working of the switches in the changes and crossings of the road and in the signals adopted, in daytime as well as at night.

4. The lighting of the stations and grade crossings, which the secretary of public works shall fix, from sunset until the last train has passed.

5. The lighting of the tunnels, which shall also be fixed by the government, and which shall be constantly lighted while the road is in operation.

ART. 19. For the more exact enforcement of the provisions of the foregoing article, there shall be at all the points considered necessary road keepers, switch tenders, and watchmen, day and night, in sufficient number to insure the safety of the trains and the success of the service.

During the time these employees are on duty they shall never leave their posts without express authority thereto from the chief on whom they depend, and not without having been previously substituted.

ART. 20. When, in the opinion of the department of public works, the means adopted by the company are insufficient to insure the safety of the service, it shall adopt, of its own accord, after hearing the company, the measures which in each case it may deem proper and which are required by the interests of the public.

ART. 21. The technical inspection, in accordance with the company, shall organize the service and police of the gates in the most convenient manner.

ART. 22. Whenever it is necessary for the maintenance of the works or for the safety of persons or merchandise to open outer ditches, erect defenses and trenches, or to undertake other works of the same character, the company shall proceed immediately to their construction, at the points fixed by the Government.

ART. 23. The chiefs of the divisions of railroads, when the concessionnaires or lessors within the period fixed do not repair the damages or do not have the works completed, shall, after an order from the general direction of public works, repair said damages or injuries or construct the work necessary under the administration system. The governor shall order the attachment of the funds of the neighboring stations to meet the payment of the said works or repairs. A receipt for the funds attached shall be issued to the station masters. These documents shall be afterwards exchanged for the verified accounts of expenses in the manner in which the works of the State are vouched for. If there be opposition to the seizure of the funds, aid shall be asked of the governor of the province, who shall furnish it, even if it be with the troops under his command.

ART. 24. The division of the line in kilometers, the grades, the radii and length of the curves, shall be fixed according to the provisions ordered by the secretary of public works. They should be, whenever possible, on the right of the road, and starting from Madrid, as a central point, to the coasts and frontiers.

CHAPTER III.

STATIONS.

ART. 25. Every station shall have on its principal façade an inscription stating its name, and a clock for the regulation of the service of the same and the movement of trains.

All of the clocks of the line shall be regulated daily by the time of the meridian of Madrid whenever the line connects with that court without a break; and should there be one, they shall be regulated by that of the most important station.

All the passages for pedestrians, vehicles, and horses shall also have signs, so that all the bureaus, offices, warehouses, workshops, and other dependencies of the company may be known.

ART. 26. Any ticket with changes or erasures shall be refused as worthless.

ART. 27. The railroad administration, to insure the safety of baggage, packages, and merchandise, shall issue to their owners, or to those in charge of the same who may represent the former, proper receipts, stating therein the number and kind of packages delivered, the transportation rate charged, and any other matters which may be considered necessary for the better carrying out of this service.

In these receipts the time according to the regulations within which the baggage, packages, or merchandise are to reach their destination must be stated.

ART. 28. In the most public places of each station the announcement of the office hours, the hours for the sale of tickets, as well as the time-tables and rates, shall be constantly on view.

ART. 29. All the stations shall have a superior chief, to whom all the other employees of the same shall be subordinate.

ART. 30. There shall be in the stations designated by the department of public works—

1. Departments for the officers of inspection and telegraph.

2. A depository, in the manner determined by the company, where lost articles belonging to travelers shall be securely taken care of.

3. A medicine chest, bandages, and other articles required in case of accidents.

ART. 31. It is incumbent on the governors of provinces to adopt all the proper measures for the best order and police of stations, the entry, movement, and stoppage in the yards of public and private conveyances used to transport passengers and merchandise; but their deci-

sions shall not be final until they have obtained the approval of the department of public works.

All privilege and favor of common carriers as to entry, movement, and stoppage in the neighborhood of the stations are prohibited.

CHAPTER IV.

MATERIAL EMPLOYED IN THE OPERATION.

ART. 32. The number of locomotives, tenders, and other vehicles to be used in the service shall be determined in the articles of conditions of the concession.

If for the best public service it should be necessary to increase this rolling stock, the department of public works, after hearing the company, shall take such action as may be proper to obtain the same.

ART. 33. The locomotives shall always be provided with the necessary apparatus to prevent all danger from fire, and shall never be used until after examination by the technical inspection.

When by reason of wear or any other cause a locomotive should have been withdrawn from use, it shall not again be employed, even after being repaired, without an examination by and express authority from the technical inspection.

ART. 34. The axles of locomotives, tenders, cars, and other rolling stock of the company shall be tilted, strong and compact, of smooth surface, without ridges or indentations, and perfectly adapted to the service to be rendered.

ART. 35. Never under any pretext whatsoever shall cast-iron wheels be used, but cast-steel wheels may be used. In freight trains, as well as in trains which travel at a slow rate of speed, wheels with forged tires may be used after authority from the Government.

ART. 36. All the companies shall enter in folioed registers the locomotives in use, stating the day they began service, the work done, the repairs or changes made, and the successive renewal of their different parts.

In these entries there shall also be included the observations and remarks deemed necessary to form the statistics of the rolling stock in use by the railroad.

ART. 37. In other special registers, different from those mentioned in the foregoing article, a full entry shall be made of the axles of the locomotives and tenders, entering at the margin the ordinal number of each one, the manufacturer thereof, the day they were first used, the tests to which they were submitted, their constant and periodic work, and the accidents and various repairs. For this purpose each axle shall have its number engraved thereon.

These registers, always kept with the greatest possible exactness, shall be presented by the companies to the engineers in charge of the technical inspection whenever they may deem it proper to examine them.

ART. 38. Only the persons employed for the purpose by the company shall fire locomotives.

When ready for use, one engineer or fireman shall constantly remain on the platform of the locomotive wherever it may be, on the main line as well as on the branches.

ART. 39. The tenders, besides the conditions of solidity and safety, shall have the necessary capacity to contain larger quantities of water and fuel than those which the accompanying locomotives can consume during the run from one deposit to another. They shall also have the room necessary to carry a box of such tools and implements as may be determined upon.

ART. 40. The cars to be used for the transportation of passengers shall not be used without the authorization of the technical inspection.

This authorization shall be granted when it is acknowledged, in the manner determined by the government, that they have all the requisites for the safety and comfort of the passengers.

ART. 41. The place assigned each passenger shall be at least 45 centimeters wide, 65 centimeters long, and 1 meter 45 centimeters high, measured from the seat.

In the interior of all passenger cars there shall be a sign, stating not only the number and letter of the car according to its class, but also the number of its seats, the divisions being clearly made, as well as a frame containing such part of these regulations as relates to passengers.

ART. 42. All the locomotives, tenders, and cars of a train shall have—

1. The name or initials of the railroad to which they belong.
2. Their ordinal numbers.
3. If they be passenger cars, the class to which they belong.

ART. 43. The company shall constantly keep in good condition the rolling stock, in proportion to the extent and special needs of the line.

ART. 44. The administration shall have exclusive jurisdiction of all appeals which may be brought against the decisions of the technical inspection, the object of which should be to abandon that part of the stock which is useless, to order necessary repairs, and to adopt such measures as may be required for the good order and safety of the service.

CHAPTER V.

FORMATION OF TRAINS.

ART. 45. The department of public works, at the suggestion of the company, shall determine for the different points of the line, and as circumstances may require:

1. The speed.
2. The maximum number of cars.
3. The maximum of weight to be carried in freight trains.
4. The number and weight of the cars with brakes, and the place they are to occupy in the train, the last car in a train being necessarily of this class.

ART. 46. Every engineer running an engine shall have the necessary means to make the signals prescribed by the regulations.

ART. 47. The number of passenger coaches of each train shall be in accordance with the regulations governing the running of the same. Nevertheless, all necessary trains shall be run so as to enable all those who desire to travel to do so.

If the company should be authorized to make use of two tracks, the maximum number of coaches which each passenger train may have shall be 24.

For this purpose there shall be established at different points of the line depots of cars, the trains being completed with these cars when the number of passengers and the best public service demand it.

ART. 48. Locomotives shall always be at the heads of trains. Nevertheless, this order may be changed, if convenient, in order to facilitate and render safer the necessary movements in the vicinity of stations and in cases of aid, in which cases the speed shall not exceed 25 kilometers per hour.

ART. 49. In placing the cars forming passenger and mixed trains there shall be observed the provisions which have been issued or which may hereafter be issued on the subject by the Department of Public Works, on the recommendation of the company.

ART. 50. Only in accordance with the instructions issued by the department of public works, and under the conditions it may deem proper, may the cars of common carriers form part of trains.

ART. 51. The carrying in passenger cars of all materials which may cause explosions or fires is prohibited.

ART. 52. The coaches and cars which make up a train shall have the buffers at the same height, and the centers of these at equal distances, so that they may constantly be in contact without being forced.

ART. 53. The coupling pins as well as the brakes shall always be kept perfectly clean and oiled.

ART. 54. Every train shall be drawn by a single engine, except in cases of aid on account of damage or other serious reasons, when another engine may be employed, as well as in the cases where the company may have been previously authorized thereto by the Government.

ART. 55. More than two fired locomotives shall never be placed in a passenger train, and as a general rule they both shall be placed at the head of the train, although in special cases, and always with the authorization of the Department of Public Works, a different disposition may be made. At the head and following the tenders there shall be one or two cars which do not carry passengers, according to whether one or two locomotives are attached.

At the end of the train another car, without passengers, shall always be placed, unless the company is authorized by the Government to leave out the end car. In passenger trains there shall always be a car with a water-closet.

ART. 56. In a special register the causes which may have occasioned the employment of two engines in the same train shall be stated whenever the company is not authorized to do so, also stating the time thus employed and the reasons justifying it.

Those charged with the surveillance of the service may examine these reasons and other memoranda referring to it whenever it is required by the best public service.

ART. 57. In due time and after full inspection the engineer shall satisfy himself that the locomotive and tenders intrusted to him are in good serviceable condition and are provided with the necessary spare parts.

ART. 58. The chiefs of trains, immediately on receiving them, shall examine them with the greatest care in order to assure themselves that they are ready for service.

ART. 59. When there is insufficient freight in the car of the chief of the train it shall be filled with ballast up to the weight of 2,000 kilograms.

ART. 60. The chief of the train, the brakemen, and the engineer shall be, as far as practicable, in communication during the run, so as to be able to give a signal of alarm in case of accident.

ART. 61. Trains in motion shall carry the lights and signals mentioned in the regulations of August 8, 1872, or in the regulations which may in the future be issued by the department of public works, after hearing the companies.

ART. 62. The passenger cars shall be lighted inside at night, and also during the day when going through the tunnels, determined by the Government, all preparations being made for that purpose in the nearest station, according to the run.

ART. 63. Before a train starts, the employees who are to go with it shall punctually occupy their proper places, and in due time the station master shall give the signal which informs them to take their places, the engineer finally repeating it with a whistle.

ART. 64. At such points of the line as the department of public works may designate, after hearing the company, there shall be locomotives for aid or in reserve, always fired and ready for service, by day as well as by night.

ART. 65. Special regulations drawn up by the Government, after hearing the companies, shall determine the service of the locomotives specially devoted to aid, without loss of time, for trains delayed, or in difficulties, or for any reason whatsoever.

At the point in the station where the auxiliary locomotives are placed there shall always be a repair car with the tools and outfit, which, in the opinion of the Government, may be considered necessary. The trains which may be used for the speedy aid of passengers and trains in cases of accidents shall also have a repair car.

CHAPTER VI.

PROVISIONS RELATING TO RUNS AND STOPPAGES AT INTERMEDIATE STATIONS AND ARRIVALS OF TRAINS.

ART. 66. At the request of the companies, the department of public works shall determine the running of the trains and of single engines on double-track roads, as well as the turn-outs in single-track roads.

ART. 67. No train shall start from the station before the hour designated in the time-table.

ART. 68. The existing provisions, or those which may hereafter be issued by the department of public works, shall be enforced as to the time which must elapse between the starting of a train to the next one which must follow according to the schedule.

In the time between two trains no other trains or single engines shall be allowed to leave, except in cases of aid and succor, or when the company is authorized thereto by the Government.

ART. 69. In the vicinity of stations signals shall be placed which shall immediately inform the engineers whether or not they may bring their locomotives into the station.

The engineer shall stop the train as soon as he observes the signal to do so.

ART. 70. Only in cases of accident or force majeure, or repair of the line, shall trains stop on the main line.

ART. 71. The existing provisions or those hereafter adopted by the department of public works shall be enforced, after hearing the companies, in order to determine—

1. The special measures of precaution and safety which may be deemed necessary for the running of trains on up or down grades, tunnels, and curves.

2. The highest speed of passenger and freight trains on the different sections of the line.

3. The time to be employed in making runs.

4. The precautions which should be adopted for the dispatch and running of special trains.

ART. 72. When a company decides to run a special train, it shall advise the inspections, stating the reason for the run and the hour of departure, the company being liable for any accident which may occur.

The departure of these special trains shall always be announced by telegraph to all the stations.

ART. 73. Whenever, for any reason whatsoever, trains or single engines stop on lines, signals indicating it shall be placed 800 meters on either side of this point.

ART. 74. The signal system shall conform to the provisions of the regulations in force, or those which may hereafter be issued by the department of public works, after hearing the companies.

ART. 75. At a distance of 500 meters from a crossing with another railroad or tramway the engineer shall slow up, so that he may come to a full stop before reaching that point if the circumstances require it.

ART. 76. The department of public works, after hearing the company, shall designate the points where signals are to be placed, showing the direction in which switches are turned.

ART. 77. When the trains approach stations where they must stop, the engineer shall moderate the speed at such a distance as he may deem necessary, so that it shall not pass the station platform where the passengers are to alight.

He may also, according to circumstances, stop the locomotive before reaching said point, afterwards reaching it by running it again.

ART. 78. The engineer shall slow up not only in large cuts where there are curves, but also at other points of the line which do not permit a large surface of the road to be seen.

ART. 79. When, because of unavoidable accidents, the locomotive runs with the tenders ahead, whether alone or with the train, the engineer shall take the greatest precautions, the speed in such cases not exceeding 30 kilometers per hour.

ART. 80. When the engineer approaches stations, grade crossings, curves, cuts, or tunnels, he shall sound the steam whistle to announce the approach of the train.

The same signal shall always be repeated when there is doubt as to whether the line is completely clear.

ART. 81. On the arrival of trains at stations their names and the time of the stop shall be repeatedly and loudly announced.

ART. 82. While the trains remain in the stations they shall be in charge of the station master, who shall during that time be responsible for whatever happens in his station.

ART. 83. The chief of the train in motion is the chief of all the employees thereon, including the engineer and fireman.

ART. 84. When two locomotives draw the same train, the person who has charge of the first one shall regulate the speed.

The second locomotive shall act only as an additional force, and as a mere auxiliary.

ART. 85. The engineer who runs a locomotive without a train shall always do so on his own responsibility, and the fireman shall obey the signals ordered by the former in accordance with the regulations.

ART. 86. The engineer and fireman in charge of the service shall be the only persons on the locomotive.

From this prohibition are excepted only the engineers in charge of the technical inspection, their assistants who have an order or authorization of their chief, and the agents of the company duly authorized for the purpose.

In every case special care shall be taken that the number of persons shall never be in the way of the handling and best service of the engine.

ART. 87. The secretary of public works shall designate the stations in which records of the delays of trains shall be kept, as determined by each company. In these records the nature and make-up of the trains shall be stated, the numbers of the locomotives drawing them, the hours of their departure and arrival, and the causes and duration of the delays.

The agents in charge of the inspections may examine these records whenever they deem it advisable, for the better fulfillment of these duties.

ART. 88. By the quickest and most expeditious means at their disposal the chiefs of trains in motion shall advise the master of the next station of any accident which may occur, who shall immediately communicate the same to the inspections in charge of the surveillance of the line, and, in a proper case, to the superior authority of the locality.

ART. 89. The urgent measures adopted by the respective governors on the recommendation of the inspections, and referring to the safety of the trains, shall be obligatory for the companies when said measures shall have been communicated to their directors.

ART. 90. Thirty days before the date on which it is to go into operation a sufficient number of copies of the schedule of all trains shall be sent to the chiefs of the technical and administrative inspections, who, with their report, shall forward them to the general direction of public works, commerce, and mines, within the next ten days, for its approval, or in order that it may make the changes it may deem proper.

ART. 91. Before approving a new schedule of trains for a line the railroad companies which are affected thereby must agree, and the consent of the department of the interior must be previously obtained in all that refers to the service of the trains which are to carry public mails.

ART. 92. If the department of public works, after receiving the schedule of these trains, shall allow the thirty days designated in article 90 to elapse without giving any answer whatsoever to the companies, the latter shall put it in force, considering it approved.

ART. 93. When a new system in the service of the railroad is adopted, or the one established is partly changed, the public shall be notified at least eight days in advance not only as to the hours of departure of the trains and of their arrival at the stations, but also of the points at which they are to stop.

CHAPTER VII.

PROVISIONS RELATING TO PASSENGERS AND TO PERSONS NOT IN THE RAILROAD SERVICE.

ART. 94. Admittance into the inclosures of railroads is generally prohibited to all persons not employed in the service.

From this provision are excepted—

1. The superior authorities of a province.

2. The local authorities.

3. The engineer and other employees charged with the surveillance of the railroad.

4. Soldiers and customs officers and police agents, when they appear with the express permission of the competent authority, in order to perform some service.

5. Persons who obtain permission from the companies.

ART. 95. The passenger who does not present the ticket entitling him to occupy a seat in trains, or, having one of a lower class occupies one of a higher class, shall in the first case pay double fare, according to the schedule of rates, and in the second case twice the difference between fares computed from the station at which he entered the train to his destination.

If the passenger does not prove where he entered the train, the double fare shall be computed by the distance from the place where the last examination of tickets was made.

ART. 96. In case a passenger goes beyond the place indicated in his ticket, he shall only pay the excess corresponding to the greater distance traveled, provided he informs the chief of the train before starting from the station stated in his ticket.

If this notice shall not have been previously given, he shall pay double the amount of the excess of the distance which he may have traveled without a ticket.

ART. 97. The passenger, who on account of the lack of coaches, should be obliged to go into one of a higher class than the one to which he is entitled by his ticket, shall pay nothing to the company on account of the higher fare.

If, on the contrary, he should be obliged to occupy a seat of a lower class, the company shall refund to him the amount of his ticket as soon as his trip ends.

ART. 93. It is absolutely prohibited—

1. To enter or leave the cars by any other exit than that opening onto the platforms.

2. To pass from one car to another or to lean out of the car while it is in motion.

3. To enter or leave cars except at stations and when the train shall have come to a full stop.

4. To board cars while the train is in motion.

5. To admit into cars more passengers, than can be furnished with seats.

ART. 99. No intoxicated person shall be permitted to enter cars, nor any one carrying loaded firearms, or packages which, on account of their shape, size, or bad odor, may inconvenience the passengers.

Nor shall any person with a firearm be allowed on the platform without first proving that it is not loaded.

ART. 100. Passengers have a right to compel the ejection from the car, by the employees of the company or of the Government, of anyone

misbehaving, or who, by word or action, is offensive, or shall interfere with the order established, or cause disturbances or quarrels, as well as those who smoke in a car not reserved for smokers.

ART. 101. The companies shall always reserve one or more first-class sections in passenger trains for ladies who, traveling alone, may request it, and another section in which smoking shall be allowed.

These sections shall be designated by signs stating their purpose.

ART. 102. Dogs are not allowed in passenger coaches; nevertheless, the company may admit, in special cars, persons who do not desire to part from their dogs, provided the latter are muzzled.

ART. 103. If any passenger violates the provisions of these regulations the agent of the administrative inspection, or, in his absence, the station masters or train chiefs, shall warn him in due season, and, when the gravity of the case requires it, institute the proper investigation in order to establish the facts.

ART. 104. In order that the passengers may make their claims, not only against the company, but also against its agents and employees, there shall be in each station a registry, which shall be inspected every month by those in charge of the administrative and business inspection.

CHAPTER VIII.

RECEIPT, TRANSPORTATION, AND DELIVERY OF BAGGAGE AND MERCHANDISE.

ART. 105. The objects which are transported by railroads are classified, for the purposes of these regulations, as follows:

1. Baggage.
2. Parcels.
3. Merchandise.
4. Cattle of all kinds.

ART. 106. By baggage is understood clothing or articles for immediate use destined to the shelter, ornament, or cleanliness of passengers, books or tools of trade or profession, contained in trunks, chests, valises, boxes, hatboxes, satchels, saddlebags, hand bags, pillows, or under any covering whatsoever, or unpacked.

ART. 107. Baggage shall be transported in the same trains which carry its owners, and shall be delivered to them at the end of the trip.

ART. 108. By parcels are understood all packages which, without being subject to a declaration of contents, require special care and are transported with the same speed as passengers.

ART. 109. All articles which are not included in the classification of the foregoing articles are designated under the general name of merchandise.

ART. 110. The fourth classification comprises cattle, hogs, sheep, and goats; draft, burden, and saddle animals; dogs and other domestic animals, and domestic and pet birds in cages or crates.

ART. 111. Whosoever sends merchandise to railroad stations shall make a previous declaration as to the number of packages, weight, class, and quality.

Special precautionary measures shall be adopted for the transportation of such merchandise as may cause explosions or fires, or the deterioration or contact of which may damage other merchandise more or less.

ART. 112. Every delivery made in the place designated for the proper employees of the company to receive articles to be transported shall be considered as a proper delivery and legally made.

The subordinate employees exclusively engaged in manual labor and the mechanical laborers in the offices and stations shall not be considered such employees.

ART. 113. The companies shall be obliged to invoice parcels brought to them.

In order that this may always be properly done, the companies shall keep two numbered stub books; one in which the articles to be transported with the same speed as passengers shall be entered, and the other in which to make a record of the goods to be carried in freight trains.

In both the weight and the rate of transportation of the articles shall be stated in the same order of dates as they are entered in the registry, unless the sender voluntarily consents to waive this privilege.

At the time of delivery a receipt shall be given the sender or the person in charge of the article, in which the number, class, weight, rate of transportation, and time within which it is to be delivered shall be stated.

ART. 114. The liability of the company as to delivery to which the previous article refers commences from the moment in which the company has taken charge of the merchandise, in the place where it is to be received, even though the person in charge of this service may not have entered it in the books of the registry.

ART. 115. The government, in accordance with the companies, and after calling for the information it may deem convenient, shall designate the stations where tickets for passengers are to be sold and merchandise billed to all the points connected with the railroads, even when these points belong to other companies, as for the purposes of transportation all are to be considered as one line, and for such cases the royal order of the treasury department of January 10, 1863, shall be enforced and considered as forming a part of these regulations.

ART. 116. A passenger carrying in his baggage jewels, precious stones, bank notes, money, stock of industrial companies, bonds of the national debt, or other valuables shall state it, exhibiting them before the record is made, declaring the total amount represented by these articles, either with regard to their selling price or the price at which he estimates them.

Failure to comply with this requisite shall relieve the company of all liability in case of theft or loss.

ART. 117. When the company, suspicious of the correctness of the declaration of the contents of a parcel, decides to examine the same, it shall proceed to do so before witnesses and in the presence of the sender or of the consignee. If the latter, invited by the company, are not present at the time, they shall be cited for that purpose by a notary public, who shall be requested to do so by an express mandate from the competent authority. If even then they should not appear, the parcel shall be opened in the presence of the notary and the witnesses.

A proper report shall be drafted of the examination and its result, signed by all those present and by the notary, should the latter be present. The place and date of the examination shall be set forth therein, the notice given to the sender or to the consignee, his presence or refusal to attend, the kind of merchandise, its condition and number of packages, the details according to the declaration, and everything which may appear and be shown in the examination at the time the parcel containing it is opened; the names, residence, profession, or business of the witnesses.

ART. 118. After the report of the examination has been drafted, according to the provisions of the preceding article, the company shall send it to the governor of the province so that the proper steps may be taken by the government without prejudice to the right of sending it also to the court of competent jurisdiction in case of a civil or criminal action.

ART. 119. The company can not delay the time designated for forwarding the parcels agreed to with the shippers, not even giving as an excuse the examination of the parcels, on account of suspicion of fraud or for any other reason, if the examination could have taken place at the point of delivery.

If the examination shows that the shipper has not made a false declaration, the company shall pay all the expenses of again closing the parcels and putting them in their original condition.

ART. 120. Whosoever shall make a false declaration when shipping merchandise to the stations in order to pay a lower rate than that of the schedule, shall at once pay the company twice the excess and shall indemnify it for all damages and losses.

ART. 121. When the company shall receive articles under a sealed cover, it shall be exempt from all liability when delivering them with the seals intact and in their original shape to the shipper or to the consignee.

ART. 122. If cash payment is not made in advance for the transportation charges as per schedule, the companies may refuse to carry empty cases, as well as merchandise which may be damaged, or that requiring additional cover to preserve it, and finally that which, on account of its small value, will not cover the cost of transportation.

ART. 123. The companies have the right to refuse parcels badly made up, and all those not sufficiently packed so as to preserve the merchandise they contain.

Nevertheless, if the sender should insist that they be admitted, the company shall be obliged to forward them, but shall be exempted from all liability if it records its opposition, according to existing provisions, in the receipt issued.

ART. 124. When the receipt or voucher given the interested parties by the company does not state the opposition to receive the merchandise to which the preceding article refers, it shall be liable for the damages appearing at the time of delivery at the point of destination; but even in this case it may evade the liability if it proves that the damages can not be ascribed to it.

ART. 125. Animals, merchandise, or any other articles to be transported at great speed shall leave in the first train which includes cars of all kinds, provided that they have been presented for record three hours before the time of departure of said train. They shall be at the disposal of the persons to whom they are addressed two hours after the arrival of the train.

If there be no trains with cars of all kinds which run to the place of destination, they shall be transported in the first one leaving, whether it be an express or mail train.

When the transportation is to be made at slow speed, they shall be forwarded forty-eight hours at the latest after the entry of the articles, which shall be at the disposal of the consignees twenty-four hours after the arrival of the train. For the transportation of draft and saddle animals, the number of hours' notice shall be given provided for by the schedules.

ART. 126. The shipping papers delivered by the company to the conductors of freight trains shall serve as evidence in favor of the owners who may have lost their receipt, provided they are identified.

ART. 127. The regular schedule rates are applicable to all packages or parcels which, although packed separately, constitute a remittance of more than 50 kilograms, provided it is made by one individual and addressed to a single person.

The parcels and excess of baggage, under similar conditions, shall be considered as a single remittance for the collection of the rates fixed by the special schedule.

The express companies and other carriers shall not enjoy these benefits unless the articles forwarded by them are packed in a single parcel.

ART. 128. Transportation charges on merchandise, animals, and other articles not included in the schedule may be included in the class to which they are most similar, which classifications may be made temporarily by the company itself, but always submitting the same immediately to the department of public works, which may change, admit, or refuse them, as it may deem best.

ART. 129. Whenever a parcel contains merchandise of different classes which, according to the schedule, pay a different rate of transportation, the one to be charged shall be that for the highest class.

ART. 130. The companies may establish, within the maximum schedules which they may have been permitted to establish and without damage to the national ports and manufactures, other special rates in favor of foreigners between given points on the line; but the privilege to enjoy these rates shall not extend to transportation between other points.

ART. 131. The companies may reduce the schedule rates in favor of shippers who accept a longer time for delivery than those fixed for slow speed, and of those who obligate themselves to forward a minimum number of tons, or those who offer any advantages for the transportation; but in no case may the companies evade the liability imposed on them by these regulations for bad service.

ART. 132. Any special reduction or condition granted in favor of one or more shippers shall be extended to all those demanding it, if they comply with identical conditions.

ART. 133. Whenever a company grants to one or more shippers a reduction of the schedule rates, the company shall inform the Government of the conditions under which it has been made.

The companies shall open a register in which these conditions shall be recorded, which shall be shown to the persons who may request it. The registers shall be folioed and rubricated by the chief of the business inspection.

ART. 134. When there are special schedules for the transportation of certain merchandise, notice shall be given the shippers at the time it is invoiced, so that they may select the one most advantageous.

ART. 135. All changes in the schedule rates shall be communicated to the Government one month in advance of the date they are to be published, and shall be brought to the knowledge of the governors of the provinces traversed by the railroad, who shall order their publication fifteen days before the new schedule is to become operative.

ART. 136. The rates fixed for the transportation of merchandise, by virtue of special schedules, can not be increased until after the expiration of one year from the time of their publication.

ART. 137. The delay in transportation shall give right to indemnity for damages, except in cases of force majeure.

ART. 138. The burden of proof in cases of force majeure is on the company; and until the company shall have proved it, its liability shall stand.

ART. 139. Robbery shall not be considered a case of force majeure, except when the company proves that it did everything in its power to prevent it; nor fire, unless it be proved that it was not due to the negligence or carelessness of the employees, nor to the insufficiency or bad condition of the means of transportation.

ART. 140. The railroad companies having terminals at the frontier

or at maritime ports, provided they comply with the formalities and conditions prescribed by the custom-houses, may use instead of a baggage depot for the examination of baggage, the trains on which it is carried.

ART. 141. The company which may have carried merchandise, without giving rise to any claims whatever, shall have a right of action against the consignees or the shippers for the cost of transportation and custody of the merchanise kept in good condition.

In default of payment proceedings shall be instituted in accordance with the commercial code.

ART. 142. The consignee shall pay the expenses of repacking whenever the company shall prove that it was unpacked to preserve the merchandise, which would otherwise have decayed or been lost.

ART. 143. Every action the object of which is purely commercial against the company and in regard to transportation shall be brought in the courts.

ART. 144. The provisions of law which submit to verification the weights and measures of merchants and manufacturers in their warehouses, stores, and shops open to the public are applicable to railroad companies in all matters referring to transportation.

ART. 145. The companies shall always be liable for the loss and damage of articles intrusted to their care, whether the damage is due to their own employees or to strangers who may frequent their offices.

ART. 146. If the company leases the whole space in one of the cars of its trains, and does not directly or indirectly interfere in the handling of the freight, it shall not be liable for the loss and damage which may occur, being exempt from all responsibility.

ART. 147. In case of loss or damage of the effects transported, the company first charged with their handling can not make a claim against the others who were charged with the transportation, unless it prove that the merchandise was delivered to them in good condition. All the railroad companies are considered to be connected without a break, as if they were in a single line, for the purpose of transportation contracts.

ART. 148. The companies are not responsible for the natural wear and tear on the merchandise when it is not greater than ordinary and when it can not be attributed to fraud or carelessness.

ART. 149. In case the merchandise does not arrive at its destination in good condition and at the stated time the owner or consignee has the right to insist on the liability of the company which may have failed to carry out these conditions.

In the same way it may be insisted on when the parcels, clearly and distinctly marked so that no doubt can arise, are delivered to a person different from the one who was to receive them.

ART. 150. Unjustifiable delay of passenger trains shall always be punished by fine, in accordance with article 12 of the law of November 23, 1877, when the delay shall exceed ten minutes for every 100 kilo-

meters for express and mail trains, and twenty minutes for the same distance in case of mixed trains shall also be punished by fine, without prejudice to their civil liability, when in the freight service the loss or damage in handling the merchandise is due to abandonment or carelessness and when the delays exceed from one-fourth to double the time provided for in the regulations or agreed upon for the delivery.

ART. 151. If only part of the merchandise is delivered by the company within the time provided for by these regulations, the other part shall be the basis for claim for loss and damages; but the latter shall cover both when the consignee shall prove the impossibility of using one without the other.

Exceptions are made in cases of accident and of force majeure, which must be proved on the same day and place on which they may occur, and not by certificates obtained subsequently, and after the proceedings have been begun, unless a disturbance of public order may have prevented the authorities from freely performing their duties.

ART. 152. If the owner of parcels or packages temporarily mislaid shall have been indemnified for their loss, the company may, when the parcels are found, cite the owner to be present at the opening; and after the delivery is made the company shall recover the amount it paid, making allowance for the damage due to the delay.

If from the investigation of the articles fraud shall appear to have been committed in the declarations made by the owner, the company shall, in its turn, have a right to claim damages, giving information of the fraud to the courts of justice.

ART. 153. The companies may establish ordinary transportation services in order to facilitate communication between towns and the neighboring stations.

The interested parties shall nevertheless be at liberty to carry the goods in their own vehicles or send them by trustworthy persons should they prefer it, but in such case, when the parcels are delivered to the stations, this fact must be stated.

The companies shall then advise the consignee of the arrival of the trains within the period fixed in article 125, so that he may send for the merchandise belonging to him.

After the forty-eight hours allowed for such purpose have elapsed, if he does not remove the merchandise from the station, storage shall be charged from that time.

ART. 154. The companies may also establish schedules in combination with other land or maritime transportation companies, with the condition that on its lines the same rates shall be charged as when the articles are sent to the points favored by the schedule, even though the shippers, at their own expense, shall transport the merchandise by land or water, employing their own vehicles or vessels.

ART. 155. The consignee of merchandise can not refuse to receive it, even on a holiday, if he be in his house when the merchandise is delivered there.

ART. 156. The consignee who may desire to verify the weight of the merchandise delivered to him shall pay the expenses of reweighing, provided that the result shall be the weight stated in the receipt, as provided for by article 148. If they do not agree, the expense shall be defrayed by the company.

ART. 157. The examination of the parcels shall be made judicially when the consignee so demands it.

The experts called for this purpose shall state in their report the outward condition of the parcels, their weight, marks, and numbers, the nature and amount of the merchandise therein contained, their quality, whether they have been wet or suffered any other damage, the time when, in their judgment, the damage occurred, the probable cause thereof, and finally the amount of the damage.

ART. 158. The receipt for the articles transported, issued by the consignee, and the payment of the transportation shall extinguish all right of action against the carrier.

ART. 159. The claims against the companies for loss or damage of articles transported shall be brought in the manner and time prescribed by the commercial code.

CHAPTER IX.

PROCEDURE FOR THE PUNISHMENT OF CRIMES AND OFFENSES AGAINST THE SAFETY AND PRESERVATION OF RAILROADS.

ART. 160. The Governors of the provinces crossed by railroads shall:

1. See that, fully exercising all their powers and with constant supervision, the mayors carry out the provisions of the law of November 23, 1877, and of these regulations, in so far as they come under their jurisdiction.

2. Impose fines for the offenses stated in article 12 of the law on complaint of the inspections.

ART. 161. The ordinary tribunals shall have jurisdiction of the crimes committed on railroads, according to the procedure and provisions of the law of November 23, 1877, and the royal orders which have been issued for such cases.

ART. 162. The supervision of the railroads shall be mainly exercised by the officers of inspection and the companies' employees, both having for this purpose the character of sworn guards.

ART. 163. According to titles 2, 3, and 4 of the law of November 23, 1877, and the provisions of these regulations, any violation of these articles shall be denounced to the municipal judges of the jurisdiction where they may be committed by the employees of the inspection, as well as by those of the company.

ART. 164. The denunciation authorized by the title and signature of the complainant shall be made in duplicate, declaring therein the place

where the act denounced occurred, its date, the date of the complaint, the name and description of the offender, and his residence and domicile, if they be known.

On one of the two copies of the denunciation the judge shall acknowledge receipt thereof and return it to the complainant, keeping the other as the origin and basis of the subsequent proceedings.

ART. 165. Immediately after hearing the interested parties, the judge shall enforce this law and these regulations, imposing the fines in a proper case, collecting them as soon as possible.

The trial being ended and the sentence executed, the judge shall inform the inspections of the line of the result of the proceedings.

ART. 166. The offenses committed by the concessionnaires or lessors in the cases mentioned in article 12 of this law, shall be punished by the governors on official complaint of the inspections, who shall specify them as clearly as possible, and classify them according to their importance and consequences.

ART. 167. The governor, after hearing the concessionnaires or lessors of the railroads and the permanent committee of the provincial deputation, shall impose upon them the penalty they may have incurred according to the law of November 23, 1877, should they be guilty, in his judgment. If the concessionnaires or lessors seek the remittance of their fines, they shall petition the department of public works, through the governor who imposed them, who shall forward said petitions with his own report for the proper decision. The decision shall always state the reasons after hearing the officials or corporations deemed proper, that of the full council of state being indispensable. From the decision of the department there shall be no appeal.

ART. 168. The authors of the crimes or offenses mentioned in the railroad police law shall be turned over to the competent court either by the employees of the inspections, or of the company, or by any other authority giving mutual assistance in order to fulfill their duty.

CHAPTER X.

MISCELLANEOUS PROVISIONS.

ART. 169. The concessionnaires or lessors may freely appoint and discharge their employees, but the department of public works, by virtue of the authority of article 15 of the police law and in the cases mentioned therein, may order the company to discharge any of its employees, communicating the order through the chief inspectors, who shall see that the employees are immediately discharged without any appeal.

Discharge from the service may take place—

1. When the reports of chiefs of divisions with regard to the technical employees show that these are incompetent or that they have placed or may place the safety of trains in jeopardy.

2. When the reports of inspecting chiefs of administration as to any employee of the company show that his remaining in the employ is dangerous either to the security of the trains or the maintenance of public order.

Nevertheless, in the latter case the discharge can not be directed nor complaints admitted at the time of elections or thirty days thereafter.

ART. 170. Railroad employees shall wear a uniform differing according to their class and the road to which they belong.

ART. 171. Road guards and gate keepers may bear the same arms and enjoy the same privileges as Government guards.

ART. 172. No engineer shall be employed in the railroad service without previously showing, in accordance with the instructions issued by the department of public works, the necessary qualifications for the faithful discharge of his duties.

ART. 173. Notice shall be given immediately by the station masters to the inspections and to the governors of any accident which may place in jeopardy the safety of the trains or endanger the passengers or employees of the company or any other persons.

ART. 174. If experience shows that besides the ordinary water and fuel deposits existing for the use of the engines other intermediate deposits at distinct points of the road are necessary, they shall be constructed at the places designated by the government, after hearing the companies and the technical inspections.

ART. 175. The special regulations for the service and operation of each line shall be submitted by the concessionaires to the approval of the government.

ART. 176. The written, printed, or lithographed instructions, orders, circulars, and provisions relating to the railroad service shall be immediately communicated to the inspections.

The manuscript orders shall be copied the day they are issued in a special register, which shall be presented to the inspections whenever demanded.

ART. 177. The chief inspectors shall have the right to examine the accounts of the companies' receipts and expenditures, the royal decrees received by the companies, and any other documents relating to the operation of the road and by which its real condition may be ascertained.

ART. 178. All notifications to railroad companies shall be made at their domicile, and when citations are served on the station masters they shall be of legal value only when the station masters are duly authorized to represent the companies.

ART. 179. The companies shall not resist the attachment of their warehouses and depots when made by virtue of a judicial mandate. When an attachment is made, the articles attached shall in no case be dispatched and returned to the shipper or consignee, but they shall always be at the disposal of the court.

ART. 180. It is the duty of the company to keep in good condition the article which, for any reason whatsoever, may have been deposited in its stations.

When they require more care than the company can exercise the provisions of the commercial code for similar cases shall be observed.

ART. 181. Articles forgotten by passengers and left in trains or waiting rooms, those falling on the way when the train passes, and all those the owners, shippers, or consignees of which are unknown, shall be kept in a depository; a special record shall be made of the same, stating the date, and place of finding them, and their description.

If they have been advertised three times in the official bulletin of the province, and after a year has elapsed nobody has appeared to claim them, they shall be offered at public auction, and the proceeds thereof shall be applied to charitable institutions after deduction by the company of the expenses for care and storage.

ART. 182. The power conferred on each governor by these regulations may be conferred in whole or in part to only one of the governors of the provinces crossed by the same railroad as may be required by local conditions and by the better public service, in the judgment and at the will of the Government.

ART. 183. The telegraph lines in charge of the companies shall only send news, notices, and dispatches relating to the railroad service.

ART. 184. The care, as well as the attendance and maintenance of the telegraph material, including the wires devoted to the Government service, shall be at the expense of the companies.

The offenses committed against the telegraph service, and those causing destruction or damage of its material, shall be considered as offenses committed against the road, and, as such, punished according to the provisions of Title V of the railroad police law.

ART. 185. In the most public places of the stations, and especially in the waiting rooms, there shall always be posted, for public information, copies of these regulations.

Their provisions and those of the articles of conditions referring to merchandise shall also be posted in the places where the latter is received.

ART. 186. The chief conductor of every train shall always carry on the trip a copy of these regulations.

The engineers, firemen, brakemen, road guards, and other employees in the service of railroads shall be given an extract of the provisions of the regulations which they may have to observe.

ART. 187. The department of public works has the power to fix the times when the companies must submit for approval their regulations, schedules, and other provisions, which they are compelled to do.

If the time fixed elapses without the companies doing so, the Government shall decide as it may deem fit.

ART. 188. Offenses against these regulations, the decisions of the Government, and those issued by governors of provinces, relating to

railroads and their best service and police, shall be punished according to Title V of the railroad police law.

ART. 189. All provisions which may have been issued up to date for a better understanding and application of the articles of the regulations of July 8, 1859, in so far as they do not conflict with the prescriptions of these regulations, shall be considered in force. Approved by H. M.—C. Toreno.

And by order of His Excellency it is published in the *Gaceta* for general information.

HAVANA, *March 20, 1893.*

ESTANISLAO DE ANTONIO,
Secretary-General.

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